

RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
ON 12-18-14 cm

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07102  
Attorney for Board of Dentistry

By: Nancy Costello Miller  
Deputy Attorney General  
Telephone (973) 648-7457

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

---

IN THE MATTER OF

**ANUP MUDULI, D.M.D.**  
**License # 22DI02160600**

LICENSED TO PRACTICE DENTISTRY  
IN THE STATE OF NEW JERSEY

---

Administrative Action

**ORDER REINSTATING  
LICENSE WITH  
RESTRICTIONS**

The Board has reviewed the application of Anup Muduli, D.M.D., ("Dr. Muduli" or "respondent") for reinstatement of his license to practice dentistry. Respondent surrendered his license by order dated March 5, 2014, for a minimum period of six months, following the Board's receipt of information that Dr. Muduli, an oral surgeon, had self-administered controlled dangerous substances for non-medical or dental purposes, and had been arrested for driving while intoxicated. Dr. Muduli, a solo practitioner, holds a general anesthesia permit.

As required by the Order of Voluntary Surrender, respondent appeared before the Board in connection with his application to reinstate his license. On September 3, 2014, accompanied by Pamela Mandel, Esq., and Louis E. Baxter, Sr., M.D., F.A.S.A.M., Executive Medical Director of the Professional Assistance Program, respondent discussed his use of alcohol and controlled substances. He testified that he had injured his shoulder several years ago while in college and had not sought comprehensive medical treatment to address the injury until August 2014. He began drinking alcoholic beverages to address insomnia in 2007-2008, and in 2013, began self-administering Fentanyl and Versed to address pain related to the shoulder injury. Following surrender of his license, Dr. Muduli enrolled in the Professional Assistance Program (PAP) and underwent shoulder replacement surgery. At the time of his appearance, he had been abstinent for six months, remained compliant with the PAP recommendations, was under the care of a psychiatrist to address various issues, and was receiving physical therapy. Following his appearance, Dr. Muduli was independently evaluated by Ricardo Fernandez, M.D., who provided a report to the Board. In Dr. Fernandez's opinion, Dr. Muduli could return to practice; he recommended continued treatment with respondent's psychiatrist and the PAP, and medication management.

Although early in recovery, respondent has demonstrated that he is committed to maintaining his sobriety. The orthopedic surgeon, the physical therapist, and the psychiatrist who have treated Dr. Muduli have provided reports that reflect that he is capable of returning to practice. But because he is in early recovery, and because he was

a solo-practitioner, the Board deems it necessary and appropriate to require respondent to continue therapy and monitoring, and to restrict his practice at this time.

Respondent shall be permitted to return to practice dentistry, but only when another licensed dentist, approved by the Board, is physically present in any office and agrees to serve as a monitor for respondent's practice. The monitoring dentist shall be present for all occasions on which Dr. Muduli sees patients and performs any dental procedures, including but not limited to consultations, treatment, surgery, and post-operative visits. The monitoring dentist shall be responsible to ensure that Dr. Muduli is not under the influence of alcohol or drugs, and is required to immediately report to the Board any incident or conduct indicative of alcohol and/or drug use. Dr. Muduli shall use triplicate prescription pads for all prescriptions issued. The monitoring dentist shall submit quarterly reports to the Board. The monitoring dentist shall review all prescriptions written for controlled dangerous substances and shall sign the patient record indicating that he or she has reviewed the prescription and that its issuance was appropriate. The monitoring dentist shall also ensure that records for controlled dangerous substances are appropriately maintained, including but not limited to logging all medications received, administered, and dispensed, and that wastage of controlled dangerous substances is properly disposed of and recorded. Dr. Muduli shall comply with all recommendations of the PAP related to monitoring, therapy, and limitations regarding use of controlled dangerous substances in his practice.

The Board will be carefully following reports from the PAP, from respondent himself, and from the dentists monitoring his practice. Any slip, relapse, or other indication that

respondent has failed to maintain abstinence from psychoactive substances or that he is incapable of discharging the duties of a licensee, shall result in immediate Board action.

The Board finds that respondent's return to practice under the conditions imposed by this order is consistent with the public health, safety, and welfare.

THEREFORE, IT IS ON THIS 18<sup>th</sup> DAY OF DECEMBER, 2014,

ORDERED THAT:

1. The license of Anup Muduli, D.M.D., to practice dentistry is reinstated subject to the terms of this order.

2. Pending further order of the Board, respondent shall continue his participation with the Professional Assistance Program and shall comply with any recommendations for treatment, including but not limited to: medication management, monthly face-to-face contact with representatives from that program, attendance at support groups, including NA or AA at a minimum of three meetings per week, urine monitoring not less than twice a week, continued therapy with his treating psychiatrist, and psychotherapeutic counseling. If respondent discontinues participation with the Professional Assistance Program or fails to comply with the conditions imposed by the program or outlined in this consent order without obtaining approval of the Board and the Professional Assistance Program, he shall be deemed in violation of this Order. Changes to any requirements in this paragraph may be made not sooner than one year from entry of this consent order, and then on the application of respondent with support from the PAP.

3. Respondent shall abstain from the use of all psychoactive substances, unless prescribed by a treating physician for a documented medical condition with prior

notification to the Executive Medical Director of the Professional Assistance Program of the diagnosis and prescribed medications. In addition, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse.

4. The Professional Assistance Program shall submit quarterly reports, including urine results, to the Board regarding respondent's participation and compliance with all requirements of the PAP and this order. If respondent has a positive urine, misses an appointment without consent, or has a lapse or slip in his recovery, or if respondent terminates treatment with his psychiatrist or his participation with the PAP, the PAP shall immediately inform the Board. For purposes of this paragraph, "immediately" shall mean reporting the information orally within 24 hours and following up with a written report within 48 hours.

5. (a) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from the Professional Assistance Program. Respondent shall notify the Professional Assistance Program if he will be out of the State for any reason, so that the program may make a determination regarding alternate testing.

(b) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.003 shall create a rebuttable presumption of a confirmed positive urine test. Any such result shall be followed immediately by a confirming GC/MS test.

(c) Respondent shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

(d) The Professional Assistance Program may, after notifying the Board, modify the frequency of testing or method of testing during the monitoring period.

6. Respondent shall provide any and all releases to any and all parties who are participating in a monitoring, treatment, or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Respondent agrees that any information received by the Board regarding respondent's treatment or participation in a monitoring program may be used in connection with any proceedings pertaining to his license.

7. Dr. Muduli shall continue treatment with his treating psychiatrist for ongoing medication management until further order of the Board. He shall meet with his psychiatrist or his counselor for psychotherapy at a frequency of no less than twice a month for at least one year, and until further order of the Board. Modification to the schedule shall be considered following reports from the treating psychiatrist and the PAP regarding any proposed change. Dr. Muduli's psychiatrist and any mental health professional providing psychotherapy shall submit quarterly reports to the Board regarding respondent's progress.

8. Dr. Muduli shall practice dentistry only when another licensed dentist is

physically present in the office where the practice is occurring. Respondent shall notify the Board of the name and address of the licensees by whom he will be employed or who have agreed to serve as a monitor. Dr. Muduli shall provide a copy of this order and any further orders of the Board related to him to those licensees, and shall provide to the Board a copy of this consent order signed by each licensee indicating that he or she is aware of the restrictions on his practice and their obligations under the terms of this order. Dr. Muduli shall notify the Board seven days in advance of any change in the dentists who have accepted the monitoring role. The Board reserves the right to reject a proposed monitor. Each monitoring dentist must agree to comply with the following terms:

(a) The dentist shall report any use or suspicion of use of a controlled dangerous substance or alcohol by Dr. Muduli to the Board of Dentistry immediately but in no event more than twenty-four (24) hours following the observation of the conduct or receipt of information that respondent has not abstained from psychoactive substances. The report may be made orally by contacting the Board office at (973) 504-6405 and speaking to the executive director or his designee, or by sending an email to [eisenmengerj@dca.lps.state.nj.us](mailto:eisenmengerj@dca.lps.state.nj.us) .

(b) The dentist shall provide quarterly reports to the Board concerning Dr. Muduli's practice and his or her observations of respondent's state of sobriety and competency to practice.

(c) The dentist shall review all prescriptions written by Dr. Muduli. For each prescription for a controlled dangerous substance, the dentist shall sign the patient's chart

indicating that he or she has reviewed the treatment and that the prescription is appropriate.

(d) The dentist shall that ensure that records for controlled dangerous substances are appropriately maintained, and that respondent complies with all State and federal laws and regulations governing the purchase, storage, use, and dispensing of controlled dangerous substances, including but not limited to maintaining a log of all medications purchased or received, administered, and dispensed; recording waste of controlled dangerous substances; and that ensuring that proper disposal has occurred.

9. Respondent shall enroll in the Prescription Monitoring Program.

Respondent shall be permitted to write prescriptions only for patients as required in connection with dental treatment or to administer medication to patients in the course of dental treatment, in accordance with the following terms and conditions:

(a) Respondent may prescribe or dispense controlled dangerous substances.

(b) Respondent shall use sequentially numbered, triplicate prescription pads for all prescriptions. If respondent wishes to electronically or telephonically transmit prescriptions, he shall first submit a plan to the Board for approval for the tracking and logging of all such prescriptions, which plan must include the monitoring dentist's agreement to the proposed plan.

(c) Respondent shall continue to provide the original prescription to the patient, attach one copy of the prescription to the patient record, and submit the third copy to the Board, attention: Jonathan Eisenmenger, Executive Director, on a monthly basis. For purposes of this paragraph, patient record shall mean the treatment record



for the date on which the patient was treated and/or on which the medication was prescribed, as well as a copy of the patient's medical history, including updates.

(d) Respondent shall be required to account for each consecutively numbered prescription, regardless of whether the particular prescription was voided or not used for any purpose whatsoever.

(e) Respondent shall comply with all State and federal laws and regulations governing the purchase, storage, use, and dispensing of controlled dangerous substances.

(f) If respondent administers or dispenses CDS to a patient in his practice, he shall maintain a log for each administration or dispensing event, which log shall include the patient name, date, medication, dosage, and units administered or dispensed, as well as the name of the monitoring dentist present on the date of treatment.

(i) Respondent shall submit a true copy of the log to the executive director along with a copy of the patient record for each patient listed on a monthly basis.

10. Dr. Muduli shall prepare and submit to the Board every two months a self-report detailing the locations where he is practicing, the nature of his practice, his current medical and mental status, and other information that will assist in the Board in evaluating his progress in recovery.

11(a) Dr. Muduli shall be subject to an order of automatic suspension of his license upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that respondent has failed to comply with any of the

conditions set forth in this consent order, including but not limited to report of a confirmed positive urine, or a prima facie showing of use of alcohol or drugs.

(b) Dr. Muduli shall have a right to apply for removal of the automatic suspension on ten (10) days notice to the Board and to the Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. If a committee hears the application, its action shall be effective immediately and subject to ratification of the full Board at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive urine shall be presumed valid.

12. Nothing in this order shall be deemed to preclude the Board from taking any action it deems appropriate should the Board's review of information cause it to determine that such action is warranted or from imposing restrictions or conditions on respondent's license should the Board determine that such restrictions or conditions are appropriate to protect the public health, safety, and welfare.

NEW JERSEY STATE BOARD OF DENTISTRY

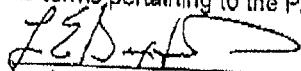
By: Shirley Birenz, RAA MS  
Shirley Birenz, M.S.  
Board President

I have read and I understand the terms of this order and agree to be bound by it. I consent to the entry of this Order.

A. M. - ll  
Anup Muduli, D.M.D.

12-10-14  
Date

I have read the terms of this order and agree on behalf of the Professional Assistance Program to comply with its terms pertaining to the PAP.

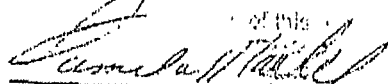


Louis E. Baxter, Sr., M.D.  
Executive Medical Director  
Professional Assistance Program

12/11/14

Date

I consent to the form and entry of this order.

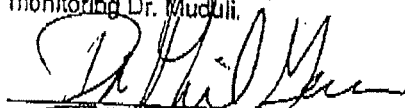


Pamela Mandel, Esq.  
Attorney for Dr. Muduli

12/11/14

Date

I am a licensed dentist in the State of New Jersey and agree to serve as a monitor for Dr. Muduli. I have read the terms of this consent order and agree to comply with the terms as related to monitoring Dr. Muduli.



Philip Geron DMD  
[Print and sign name]

12/11/14

Date